

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-6 and 8-10 remain in this application. Claim 7 has been canceled. Claims 2-6 and 8-10 have been amended.

In item 1 on page 2 of the above-identified Office action, claim 2 is objected to because of informalities.

In accordance with the Examiner's suggestion, the objected to term "principle" has been deleted.

In item 3 on page 2 of the Office action, claims 5 and 6 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that in claim 5 there is insufficient antecedent basis for limitation "the reinforcing box." Claim 5 has been amended to define "a reinforcing box" in order to overcome the Examiner's rejection.

Dependent claims 2-6 and 8-10 have been amended to replace the term "characterized in that" with the term "wherein."

In item 4 on page 2 of the Office action, claim 7 has been rejected as being indefinite in that it fails to point out what is included or excluded by the claim language.

Claim 7 has been canceled.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above noted changes to the claims are provided solely for the purpose of satisfying the requirements of 35 U.S.C. § 112, second paragraph. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 6 on page 2 of the Office action, claims 1, 2 and 7-10 have been rejected as being anticipated by Oehm (U.S. Patent No. 5,897,135) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the reference.

Oehm discloses an airbag apparatus, including:

- an airbag module 2;
- a covering device 12 having a closing position and an open position;
- an airbag (in container 4) configured to expand by gas inflation, the airbag being accommodated behind the covering device 12 when the covering device is in the closing position;
- a mechanism configured to pull the covering device 12 from the closing position to the open position in order to allow an expansion of the airbag;
- the mechanism including a first mechanism component 56 and a second mechanism component 57 which is coupled firmly to the covering device 12.

Oehm teaches activating a mechanism for opening the airbag cover separately from activating the airbag (col. 2, lines 22-25). Claim 1 of Oehm specifically defines that the means for removing the cover 12 from the exit opening 10 are independent of the airbag (col. 7, lines 5-7). Fig. 3 of Oehm shows a drive wheel 56 (first mechanism component) which is connected to an electric motor or some other drive means that is independent from the airbag module 2. Oehm teaches opening the cover 12 with an electric motor that turns the drive wheel

56 (first mechanism component). In other words the first mechanism component (drive wheel 56) of Oehm is coupled to the electric motor but not to the airbag module. The first mechanism component (drive wheel 56) of Oehm operates independent from the airbag module and is not coupled to the airbag module.

In contrast, the present invention defines that the first mechanism component M1 is firmly coupled to the airbag module B. Clearly, Oehm does not show or suggest the limitation of: the first mechanism component being coupled firmly to the airbag module, as recited in claim 1 of the instant application.

Further, the airbag module of Oehm operates independently from the first mechanism component that pulls the cover from the closed position into the open position. As a consequence there is no motivation to provide the airbag module and the first mechanism component as one unit ready for installation, as defined in claim 1 of the instant application. If anything, Oehm could only suggest to provide the airbag module as a unit ready for installation and to install the first and the second mechanism component separately from the airbag module because the airbag module operates separately from the first and second mechanism component.

Thus, Oehm does not disclose or suggest the limitations of:

- the airbag module forming, together with the first mechanism component, a unit ready for installation; and
- the second mechanism component being configured to be installed separately from the first mechanism component, as recited in claim 1 of the instant application.

Claim 1 is therefore patentable over Oehm. The patentability of claim 1 over the patent to Roger et al. has been argued in the response filed on July 18, 2003.

A further Information Disclosure Statement has been filed on December 12, 2003.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-6 and 8-10 are solicited.

Appl. No. 10/068,721

Amndt. dated January 16, 2004

Reply to Office action of October 16, 2003

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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